



REGULAR MEETING
Agenda for
Wednesday, January 28, 2004
4:00 P.M. – Council Chamber Boardroom
and
5:30 P.M. - Art Pick Council Chambers
3900 Main Street, Riverside, CA

CASE REVIEW – 4:00 P.M.

Roll Call

Present: Commissioners Brewer, Davidson, Garcia, Gardner, Howe, and Ward

Absent: Commissioners Davidson, Huerta O'Meara and Percy

Public Comment

There were no public comments.

Closed Session – Case Reviews

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:20 p.m. to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

	<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>		<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>
1)	02-130	PC-03-066-206	2)	03-066	PC-03-289-059
3)	03-073	PC-03-266-366	4)	03-075	PC-03-280-227
5)	03-076	PC-03-285-141	6)	03-077	PC-03-290-151
7)	03-080	PC-03-301-078	8)	03-081	PC-03-301-259
9)	03-083	PC-03-304-228	10)	03-087	PC-03-310-175
11)	03-089	PC-03-324-045			

The Commission recessed at 5:28 p.m. to reconvene in the Council Chambers at 5:41 p.m.

OPEN SESSION – 5:41 P.M.

**The following proceedings have been digitally recorded.
For copies, please call the CPRC office at (909) 826-5509.**

Chairman Gardner led in the Pledge of Allegiance. Chairman Gardner asked Ms. Sherron to confirm commissioner attendance.

Roll Call

Present: Commissioners Brewer, Garcia, Gardner, Howe, Percy (arrived @ 6:11 p.m.), and Ward
Alternate Commissioners Corral and Quinto

Absent: Commissioners Davidson, Huerta, and O'Meara

Approval of Minutes

Commissioner Brewer moved to approve the minutes for the December regular meeting. Commissioner Howe seconded the motion. The motion passed with 4 ayes and 1 abstention.

Commissioner Brewer moved to approve the minutes for the December 29 special meeting. Commissioner Ward seconded the motion. The motion passed unanimously.

Commissioner Ward moved to approve the minutes for the January 14 case review meeting. Commissioner Brewer seconded the motion. The motion passed with 4 ayes and 1 abstention.

Executive Director's Report & Comments

Mr. Williams advised the Commission that:

- RPD had responded to the policy recommendations made by the Commission in December. Chairman Gardner complimented the Department on its timely response.
- CPRC officer elections would be held at the first meeting in March. Chairman Gardner suggested that ballots be mailed to commissioners.
- Workshop sessions would be included in each meeting and that he is hoping to have a group of citizen panelists for the February 25 workshop.

Commissioner's Comments

Chairman Gardner said he was interviewed by Katie Ismael of The Press-Enterprise regarding the difference in the number of complaints filed versus the number of arrests made in 2002 and 2003. He said there were more complaints and fewer arrests in 2002 than in 2003. He also said that the number of internally-generated complaints were up noticeably from 2002. Ms. Ismael had asked Chairman Gardner what he thought the reasons for this were. Speaking as an individual, he told her that he thought it was a combination of improved training and improved sensitivity on the part of officers.

Ms. Ismael also asked him general questions about the policy recommendations on the January 28 agenda.

Public Comments

Mary Shelton

Ms. Shelton expressed concern over RPD's response to the Commission's recommendation on RPD Policy and Procedure 4.8. Ms. Shelton said that, as proved by the Muñoz case, Internal Affairs is conducting reviews of the criminal investigation rather than an independent investigation as stated in the RPD Policy and Procedures. She expressed concern about the accountability level regarding investigations of officer-involved shootings. She also noted that there have been approximately 10 officer-involved shootings in the past couple years, five of them fatal.

Ms. Shelton said that, as a community member, she is disturbed by the increase in officer-involved shootings, and said that it is higher now than it was before the Tyisha Miller incident. She said she is concerned by this increase and by the "attempts to dismantle the only mechanisms that can hold them accountable in terms of finding out what really happened." She said that if Internal Affairs isn't conducting independent investigations and criminal investigations are being hampered because the Riverside Police Officers' Association (RPOA) doesn't like the way they are conducted, there is nothing left. She said that this sends a "very disturbing message" to the citizens of Riverside.

Ms. Shelton closed by asking where the accountability is going to come from – the Commission, Internal Affairs, or the criminal investigations?

Ralph Avila

Mr. Avila thanked Ms. Shelton for her diligence and preparedness. Mr. Avila said Ms. Shelton was referring to a method that would affect everyone in the upcoming years. He said our privacy, liberties, and freedoms are being jeopardized in the name of national security. He said he agreed "wholeheartedly" with Ms. Shelton's comments. He also said that he won't submit complaints of RPD officer misconduct to the Commission because of his concerns with Internal Affairs because there will be "at least three bleach jobs" before the information gets to the Commission. He said he is looking forward to the day when he can submit his complaints to the Commission.

Workshop – Roundtable discussion

Commissioners had five minutes each to state what he or she feels the role of the Commission should be.

- Commissioner Garcia wants to be able to see more information regarding the Commission's do's and don'ts regarding officer-involved shootings, become better equipped to be able to work better as a full commission, and be able to work with all the information that is presented at meetings.
- Commissioner Ward said he is concerned with the investigative process used in officer-involved shootings. He is particularly concerned that the criminal report and the CPRC's investigator's report, both of which are public documents, become privileged documents because the Internal Affairs administrative investigation is a review of the criminal report and the CPRC investigator reviews the criminal report. He is concerned that practice does not conform to policy and procedure in that an administrative review rather than an independent investigation is acceptable to high-ranking police officials. He feels that this disregard for the established RPD policy and procedure filters down to officers at the lower levels.
- Commissioner Howe said one of his concerns is the Commission's authority to subpoena officers to come before the Commission, but not have any ability to get them to speak. He also expressed concern about the longevity of the Commission in light of the recent run-off elections and possibility of the Commission being eliminated by Council as a way to cut costs.

- Commissioner Brewer thinks the Commission should look at the entire officer-involved death incidents and feels they have the authority to do so. He also questioned whether or not the Commission has autonomy and referred to an HRC / CPRC ad-hoc committee meeting that he had been told was cancelled by the Assistant City Manager.
- Chairman Gardner said he would like to see the CPRC establish a better, more cooperative relationship between the RPD and the RPOA. He said, with regard to officer-involved shootings, he would like to work with RPD to get better access to that information earlier in the process. He also questioned the cancellation of the HRC / CPRC ad-hoc committee.
- Alternate Commissioner Quinto said she would like to see more outreach so that citizens feel more comfortable with the Commission.

At this time, City Manager George Carvalho, addressed the Commission regarding the cancellation of the HRC / CPRC ad-hoc committee meeting. He would look into it and get an answer for the Commission.

- Commissioner Percy said he would like to get further clarification on the role of Commission so that it's not seen by the community as emasculated or thought of by members of RPD as an entity that's "out to get them." He sees the role of the Commission as a bridge between the community, city management, and RPD management. He doesn't want the Commission to be muzzled when it has an opinion. He also wants to fix any skepticism there may be regarding the Commission.

Ms. Shelton asked about the cancellation of the HRC / CPRC ad-hoc committee. Chairman Gardner told Ms. Shelton that they've asked to be told why the meeting was cancelled.

Recommendations to RPD Policy & Procedure

A) Recommendations to RPD Policy and Procedures 4.31.C.4

- 1) The Community Police Review Commission recommends that RPD Policy and Procedure 4.31.C.4 be modified to state that when possible, officers shall request, via the radio, an appropriate-sex officer come to their location for a search.
- 2) The Commission also believes that, as a matter of practice, when an opposite sex search is an issue or potentially an issue in a misconduct allegation, the investigator should research and document the availability of a same-sex officer. This should entail determining whether or not a same-sex officer was at work and, if so, why he or she was not sent to the search location.

After some discussion, Commissioner Ward made the motion to accept the recommendation. Commissioner Brewer seconded. The motion passed unanimously.

B) Recommendations to RPD Policy and Procedures 4.12

- 1) The Community Police Review Commission recommends that RPD Complaint Forms be modified so that the officer's copy has only the complainant and witness information that is required by State law.

After some discussion, Commissioner Ward made the motion to accept the recommendation. Commissioner Howe seconded. The motion passed unanimously.

Committee Reports

A) Outreach Committee – Commissioner Percy, Chair

Commissioner Percy said he is working on a PowerPoint presentation and that he will bring it to the Commission for approval in February.

B) HRC / CPRC Ad Hoc Committee

Chairman Gardner said that, as previously noted earlier, the meeting was cancelled. He had no other information, but would advise the Commission when he had more.

The Commission adjourned at 6:35 p.m.

Respectfully submitted,

PHOEBE SHERRON
Sr. Office Specialist